The House reassembled at two of the clock,

[The Deputy Chairman in the Chair]

RE. DEMONSTRATION BY LAWYERS IN DELHI

SHRI R. MARGABANDU (Tamil Nadu): Madam Deputy Chairman, lawyers have been beaten and lathi-charged and tear-gassed. I was also a victim of that. I have also suffered the beating and tear-gas. This is an unfortunate way of dealing with the legal profession. After all, the lawyers are demanding very few amendments. The Law Minister could have considered their demand. If that was done, this problem would not have cropped up; the problem would have subsided; the legal fraternity could have been satisfied as also the litigant public. But, this is the way in which they are handling it! All the lawyers are beaten up and tear-gassed. I am bringing this to the notice of this House.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, this is unfortunate. If there is a demonstration of the lawyers in the Capital and the police takes recourse to committing atrocities on the lawyers, then I want to know the reaction of the Government that professes to run the Government democratically. What is their reaction? Is this the way they should act?

SHRI NILOTPAL BASU (West Bengal): Madam, we saw yesterday the Law Minister speaking over the television with contempt and by the dismissive tone which he was talking in, he was complicating the matter. This is one issue where, we know, there are problems. Both the Houses of Parliament have unanimously passed a Bill. Still, if there is some grey area, we can talk over it and the problem can be sorted out. But the Government does not want to talk with anybody. It is dismissing everybody. *(Interruptions)*.

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): It is inconceivable that the members of the legal profession were lathi-charged when they were taking out a silent march--it was a very peaceful march--to say something which, only yesterday, the Law Minister was prepared to talk over. And today, as they were coming out to make their cause before Parliament, they were brutally lathi-charged! They could very well call a few of them and listen to whatever the legal profession wanted to say. And the learned Law Minister who has been fighting for the profession all through his life has, suddenly, become so brutal! We lodge the strongest protest against this kind of attack. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, let the Government inform the House whether there was a lathi-charge; if so, why the lathi-charge was made and if the Government approves of the illegal way in which the police has lathi-charged the lawyers.

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH): *Madam, on behalf of the Congress Party, I associate myself with what has* been said.

श्री सुरेश पचौरी (मध्य प्रदेश) : महोदया, एक तरफ कानून की स्थिति को नियंत्रित करने के लिए यह सरकार असफल रही है और दूसरी तरफ कुछ संगठन कानून व्यवस्था की स्थिति को बिगाड़ रहे हैं, गुजरात में आर.एस.एस. जैसे लोगों को खुली आज़ादी मिली हुई है। शासकीय कर्मचारियों को आर.एस.एस. की शाखा में जाने पर प्रतिबन्ध था, उसे अब हटा लिया गया है। इसी संदर्भ में हम यह जानना चाहते हैं कि रूल 176 के तहत जो नोटिस दिया था, जिस पर हम डिसकशन चाहते हैं उस पर सरकार की क्या प्रतिक्रिया है?

उपसभापति : अभी गृह मंत्री जी आएंगे तो उनसे पूछ लेंगे।

श्री जलालुदीन अंसारी (बिहार) : जो वकील डिमांस्ट्रेशन कर रहे थे उनपर पानी फेंका गया और लाठी चार्ज किया गया।....(**व्यवधान**)...

उपसभापति : आपके ऊपर भी पानी डाला है?

SHRI KAPIL SIBAL (Bihar): Madam, you might remember that when the Delhi Rent Control Amendment Bill was passed, it was passed by both Houses of Parliament, that is, the Lok Sabha as well as the Rajya Sabha, yet the Act was not notified because, pursuant to protests from certain quarters, the Government started rethinking on the issue and said: " Well, there are certain issues which have had to be looked at all over again, and we will not renotify it, and it was not renotified." Similarly, so far as the Civil Procedure Code Amendment Bill is concerned, it has been passed by both Houses of Parliament, that is, the Lok Sabha as well as the Rajya Sabha, but there are certain aspects of the Bill which need to be looked at. We do not say that none of the provisions should be allowed to go through. There are certain very important aspects that the legal community is concerned about, and it is for that purpose that this demonstration was held because, earlier, nobody wanted to strike. No lawyer wanted to go on strike

earlier. They met the Law Minister and said that these are the issues he must look at all over again. Obviously, they did not get any co-operation. It is only in that extreme situation that the lawyer community decided to go on a one-day strike. Now, in this situation, instead of listening to the lawyers, instead of having a dialogue with them, instead of appreciating their point of view, if you are going to resort to lathi-charge, then what happens to the consensus approach of politics that we are talking about all these years? What happens to that approach? If, ultimately, the lawyers are going to be lathi-charged, what is going to happen to the ordinary citizens of the country? This is unfortunate. *(Interruptions)*...

SHRI NILOTPAL BASU: Let the Government respond. The Prime Minister is present in the House. This is a very serious issue. *(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Madam, I want to say something. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Let him speak. He is a Member of this House. He may be saying something about it.

श्री जलालुदीन अंसारी : मैंने खुद देखा है ..(व्यवधान)

SHRI M. VENKAIAH NAIDU: Madam Deputy Chairman, I rise to express my concern about the lawyers. *(Interruptions)* He is saying something.

THE DEPUTY CHAIRMAN: I did not understand it because I do not know that language in which he spoke.

SHRI M. VENKAIAH NAIDU: He is saying it in a more democratic and dignified manner, just sitting and saying. Madam Deputy Chairman, I rise to express my sympathies with the agitating advocates. But, as has been rightly stated by Shri Kapil Sibalji, the Civil Procedure Code Bill was discussed by both Houses of Parliament in their collective wisdom, they have approved it..*(Interruptions)*...

कुमारी सरोज खापर्डे (महाराष्ट्र) : यह लाठी-गोली का सवाल है मैडम....(व्यवधान)

THE DEPUTY CHAIRMAN: Let him speak. *(Interruptions)*...

कुमारी सरोज खापर्डे : ये कौन मिनिस्टर साहब बोल रहे हैं ...(व्यवधान)

उपसभापति जी : मिनिस्टर हो जाएंगे, वे कौन-सा कुछ कह रहे हैं, उन्हें बोलने दीजिए, बोलिए-बोलिए...

श्री एम. वेंकैया नायडु : उन्हें कुछ समझ नहीं आता यही तो प्रॉब्लम है ।

SHRI JIBON ROY(West Bengal): Madam, they have supported the

reforms at the first stage. Now, they are being pulled out and foreigners are being allowed in the courts. *(Interruptions)*... जबर्दस्ती सब कुछ साइन कर लें...(**व्यवधान**)...

श्री नीलोत्पल बसु : अगर बोलना है तो बोलें, लाठी चलानी है तो चलाएं...**(व्यवधान)...**

THE DEPUTY CHAIRMAN: Please take your seat. Just a minute. Finally, what the House decide, is a different thing. But, as a Member of this House, he has a right to say what he wants to say. Let him say what he wants to say. *(Interruptions)*...

SHRI VAYALAR RAVI (Kerala): Madam, the hon. Member has said that both Houses of Parliament have passed the Bill. But, at that time also, we objected to the passing of the Bill. They have passed it within half- an-hour, without discussing it. The Government wants to pass every Bill within five minutes. *(Interruptions)*...

SHRI JIBON ROY: They are bulldozing everything. *(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr.Jibon Roy, this issue is not related to the W.T.O. This is something about some other Bill.

SHRI JIBON ROY: It is in compliance of the WTO.

THE DEPUTY CHAIRMAN:Okay. Let him speak... *(Interruptions)*...

Let me at least be more knowledgeable.

SHRI M.VENKAIAH NAIDU: He is in a theatre. It takes some time for him to come here! Madam, our hon.Member wants a lathi to be supplied to him. We can arrange for it, if you have no objection! he wants a lathi to be given to him. ...*(Interruptions)*...My point is, ...*(Interruptions)*... we express our sympathies with the agitating advocates. We want the Government to have a dialogue with the advocates. Apprehensions have been expressed by the community in various parts of the country and in different States. they have taken to agitational course. Normally, advocates do not go on strike and they do not come to streets also. it is something very extraordinary that might have been agitating their minds. That being the case, I see no reason why the Government does not have a dialogue. So, I urge upon the government to take the initiative, to call the legal fraternity....*(Interruptions)*...

उपसभापति : आपकी तरफ़ से बोल रहे हैं ...(व्यवधान) बोलिये ।

MISS SAROJ KHAPARDE: Madam, this is the plight of the Treasury Benches. He is urging upon the Government to have a dialogue! This is most unfortunate. ... *(Interruptions)*...

SHRI M.VENKAIAH NAIDU: I request the Government to sort out this issue amicably. If a lathi-charge is made, it must make an inquiry into the facts and then if somebody has violated the law, action should be taken against him. ...*(Interruptions)*... I am speaking on my behalf, and not on somebody else's behalf. ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: Madam, there is a basic question. There is no dispute on this point that everything should be settled by a dialogue. I like ...*(Interruptions)*... Mr.Naidu, kindly listen to me...*(Interruptions)*...

SHRI M.VENKAIAH NAIDU: I am not giving you an answer.

SHRI HANSRAJ BHARDWAJ: You are complicating the issue. I am going to help you. There is no difficulty in having a dialogue, but who is responsible for the lathi-charge? Are you responsible for the lathi-charge? If you want to have a dialogue, have it respectably. ... *(Interruptions)* ...

SHRI M. VENKAIAH NAIDU : Neither we nor you.

SHRI HANSRAJ BHARDWAJ : This is not the way to drive the people to first hold a demonstration and then have a dialogue. ... *(Interruptions)* ...

THE DEPUTY CHAIRMAN : I will adjourn the House if you don't stop all this. ... *(Interruptions)* ...

SHRI M. VENKAIAH NAIDU : They want to create a rumpus in the House and then create all sorts of things.

SHRI HANSRAJ BHARDWAJ : We don't want to create. You have been all your life agitating on these issues. Are you sorry for what you have done today? ... *(Interruptions)* ... Who is responsible? This is what we want to know. Who is responsible for the lathi-charge? Why has lathi-charge been resorted to? ... *(Interruptions)* ... Where is the question of having a dialogue? This is not the way. ... *(Interruptions)* ... This is not the way. ... *(Interruptions)* ... The demonstrators have been lathi-charged.

श्री सुरेश पचौरी : मैं आपके माध्यम से जानना चाहता हूं कि रूल 176 के तहत जो शार्ट ड्युरेशन डिसकशन के लिए नोटिस दिया गया है, उसका क्या हुआ ? इसके संबंध में सरकार की क्या प्रतिक्रिया है ? हम इस पर विस्तार से चर्चा करना चाहते हैं । यह मोशन उन्हीं शब्दों में होना चाहिये, हम शब्दों में कोई हेरफेर नहीं चाहते हैं । जिन शब्दों में हमने नोटिस दिया है, हम उन्हीं शब्दों को ध्यान में रखते हुए चर्चा चाहते हैं ।

THE DEPUTY CHAIRMAN : The Leader of the House is on his legs. Let us listen to him.

श्री सुरेश पचौरी : उपसभापति महोदया, जो मोशन डिसकशन के लिए दिया है, उसका क्या हुआ ?

THE DEPUTY CHAIRMAN : Let him speak. ... *(Interruptions)* ... One minute.

SHRI H.K. JAVARE GOWDA (Karnataka) : Madam, I would like to call the attention of the Government to this issue, what is stated by Mr. Kapil Sibal and Mr. Venkaiah Naidu. While this Bill was passed unanimously by both the Houses, I was sitting in the House. What is actually happening is, after going to the mofussil bar, only then we have come to know what the reality is and what the effect will be on the mofussil litigants, and on the appeal side, from the Supreme Court point of view and from the High Court point of view. Now, as far as the point of general, poor litigants is concerned, regarding the question of second appeal.

THE DEPUTY CHAIRMAN : I am sorry, ... *(Interruptions)* ... Just a minute, please. We are not discussing the substance of the matter. ... *(Interruptions)* ... Please take your seat.

SHRI H.K. JAVARE GOWDA : One minute, Madam. The way in which the Law Minister is making publicity through the media...

THE DEPUTY CHAIRMAN : No, no; take your seat. Please take your seat. ... *(Interruptions)* ...

SHRI H.K. JAVARE GOWDA : ... and the way in which he is responding to the advocates of the entire country is not correct. He must respond legally in a judicious way. He should not treat the advocates in a different way. I respectfully submit to the Government that it should have a dialogue with them and look into the areas where actually the advocates, the

litigants are facing the problem. I know Ram Jethmalaniji very well. He knows Order 39, rules 1 and 2. The second appeal is an area where the common people cannot get justice. That is why the Bill has to be kept in abeyance and it should not be given effect to till a Committee is appointed and the matter is looked into, the areas which required to be modified.

THE DEPUTY CHAIRMAN : We are not discussing it. Mr. Venkaiah Naidu also belongs to the ruling party and he feels that the Government should find out. I also feel from the Chair, knowing the sentiments of the people--Mr. Jethmalani is here--that there could be a dialogue. There should not be any lathi-charge. The lawyers should be treated like all of us; they are agitated over something. And if they have some grievances, it could be discussed. They should not be treated in such a way. In fact, nobody should be treated in such a way. *(Interruptions)*...

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Madam, do I have the permission to explain? *(Interruptions)*....

SOME HON. MEMBERS: No. *(Interruptions)*...

THE DEPUTY CHAIRMAN: You make an enquiry and then.... *(Interruptions)*....

SHRI RAM JETHMALANI: Madam, the slogans outside... *(Interruptions)*... can cause an injury to me, not to my distinguished Prime Minister.... *(Interruptions)*... Let me make it clear that I have been a lawyer for 60 years. I still remain a lawyer, and, one day, I will again become a lawyer. And the interest of every lawyer is safe in my hands. Hon. Members here can trust me that I will not allow anything to happen to the interests of lawyers, except when the interests of the lawyers are in conflict with the interests of the public; the litigating public, in particular. The Act against which this whole controversy is being raised is.... *(Interruptions)*... If you don't allow me to speak in this House, then, I will sit down.... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, we are not discussing the merits of the issue. *(Interruptions)*... We are discussing the lathi-charge. *(Interruptions)*... We are not discussing the merits of the Act. *(Interruptions)*... We would like to know whether the Government is ready to immediately order an inquiry into the situation that led to the

larthi-charge. If you are true to your profession, and if you are true to democracy, then, hold an inquiry. ... *(Interruptions)*... Why did such a thing happen? ... *(Interruptions)* ...We are not interested in the genesis of the crisis... *(Interruptions)*...

SHRI RAM JETHMALANI: If you cool down first, then... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: You ask your administration to cool down and you ask your RSS to cool down... *(Interruptions)*...

SHRI RAM JETHMALANI: Madam, I am hearing of the lathi-charge for the first time now. Let me go out; I will make enquiries, and if the House is prepared to assemble at 4 p.m. or 5 p.m.,or, whenever it suits the House, I will come back and make a statement. If you want, and if you allow the House to function tomorrow, we will do it tomorrow. *(Interruptions)* ...whatever time you want.... *(Interruptions)*... I am hearing of the lathi-charge just now. ... *(Interruptions)*... Let me make an inquiry. *(Interruptions)*... I am hearing about it for the first time... *(Interruptions)*..

श्री जलालुदीन अंसारी : ...**(व्यवधान)** लाठी चार्ज किया, इसके बारे में प्रधान मंत्री जी बैठे हैं, लीडर आफ द हाउस बैठे हैं, बताएं कि ...**(व्यवधान)** क्यों हुआ। इनको ठण्डक में पानी से क्यों भिगोया गया? लाठी चार्ज क्यों किया गया? यह हाउस में बताना चाहिए ...**(व्यवधान)**

श्री नरेश यादव : लठिया काहे चलाए ...**(व्यवधान)**

SHRI RAM JETHMALANI: Madam, this is not against a single lawyer. There are 60,000 lawyers in this country. I would not.... ...*(Interruptions)*...

श्री दीपांकर मुखर्जी : लाठियां चलायी गयीं, आप बैठे हुए हैं ....**(व्यवधान)** अब सुनना चाह रहे हैं ...(व्यवधान) लाठी चल गयी, गोली चल गयी और आपको मालूम नहीं है ...**(व्यवधान)**

THE DEPUTY CHAIRMAN: Mr. Nariman, do you want to say something?

SHRI RAM JETHMALANI: If the hon. Members want, I will came back and... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Hon. Members,we are not discussing the subject-matter on which the lawyers are agitating. ... *(Interruptions)*... Please, let me speak. What is agitating them is the way the lawyers procession, or, agitation, was treated. ... *(Interruptions)*... Yes, Mr. Nariman. ..*(Interruptions)*...

SHRI RAM JETHMALANI: Let me find out the facts at least. ...*(Interruptions)*... What do you want me to do? March with the procession! ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: Why don't you keep yourself informed?... *(Interruptions)*... You should have been in touch with the Bar Council of the Supreme Court and the High Court.... *(Interruptions)*...

SHRI RAM JETHMALANI: I called the representatives of the Bar Council of India. ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: You have not consulted anybody in the Bar. ... *(Interruptions)*...

SHRI RAM JETHMALANI: I have talked to every member who was willing to talk to me... *(Interruptions)*... The Government is willing to talk to anyone. ... *(Interruptions)*... I am prepared to enter into a dialogue with anyone. ... *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: You have not handled it properly. ...*(Interruptions)*...

उपसभापति : भारद्वाज जी, नारीमन साहब को बोलने दीजिए ...**(व्यवधान)**

SHRI R. MARGABANDU (Tamil Nadu): They were humiliated. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please take your seats. *(Interruptions)*... Mr. Margabandu, please.... *(Interruptions)*...

SHRI RAM JETHMALANI: When they came to my office, they sat with me and they went back happy. ... *(Interruptions)*... I am not free to report...*(Interruptions)*...

SHRI FALI S. NARIMAN (Nominated): Madam Deputy Chairperson, I only wish to say a few words for the consideration of the House, including the hon. Minister. Today, as you have stated, we are not discussing anything

about the merits of the enactment that has been passed by both the Houses. The concern of all the Members, including myself, is that there should not have been a lathicharge against the group of lawyers who were peaceably demonstrating, which they considered to be their right. Madam Chairperson, I am personally totally against anybody striking in this country, either lawyers or Parliamentarians. I don't accept anybody going on strike or boycotting. That is correct. But, at the same time, if there are some grievances, which have to be addressed, then, I am afraid, they have to be addressed in a manner which will bring about a consensus, not in a manner which is confrontational. There are very good clauses in this Amendment Act which we have passed. There are one or two aspects about which people from other parts of the country--we live in big cities--who live elsewhere, have some concern. Those concerns must be addressed. I think the hon. Law Minister, knowing him as I do, will certainly, I am sure, assure this House that this measure will not be brought into force until there has been a dialogue with the Bar Council of India and various other associations. This is absolutely necessary. The unfortunate thing is that, today, the atmosphere has got poisoned because of the lathicharge. We must know as to who authorised this lathicharge and why it was authorised. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, Mr. Minister, you have heard the various Members, including Mr. Venkaiah Naidu and Mr. Nariman. The agitation in the House is not on the law point. The reason for the agitation in the House is that the lawyers were not treated properly. There was a lathicharge and it is alleged that tear-gas shells were thrown. You please find out what happened, come back to the House and report what actually the facts are.

SHRI RAM JETHMALANI: That is precisely what I was saying. Kindly give me some opportunity to discover the facts and report them to you. Be sure, if there is any mishandling of the situation, those who are responsible for the mishandling will be taken to task adequately.

THE DEPUTY CHAIRMAN: There is permission from the House for you to go and find out the facts. You come back and let us know.

Now, there is another important matter, which I have to settle, relating to the motion. *(Interruptions)*...